

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

13

DECISION

TOPIC

Final Rule--Chapter 87, Mussel Regulations

Approval is requested to amend Chapter 87, "Mussel Regulations." The proposed action closes the season for commercial harvest of mussels in waters of the Mississippi River common with the state of Illinois.

Commercial harvest of mussels has historically been permitted only from the Mississippi River. Harvest by licensed shellers peaked in 1990 at 2.4 million pounds. Harvest has declined since and no harvest has been reported since 1998. The number of licensed shellers has also declined from 460 in 1990 to zero since 1999.

The decline in harvest is attributed to many factors including decreased demand, removal of washboard mussels from permissive catch, and decline in native mussel populations as a result of the invasion of zebra mussels. Even though Iowa has no harvest presently, native mussel numbers are still declining and any resumption of commercial harvest in the near future will accelerate ongoing stock declines.

This action will bring closure to commercial harvest of mussels in any waters of the State. Action taken by the NRC last year closed harvest in waters of the Mississippi River common with Wisconsin. Wisconsin did promulgate rules closing their commercial mussel harvest. Illinois has not made the commitment to do the same, but this action by Iowa is responsive to the resource issue at hand.

No comments were received from the public.

Ken Herring
Conservation and Recreation Division
Administrator

February 8, 2007

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 87, "Mussel Regulations," Iowa Administrative Code.

The proposed amendment closes the commercial harvest of mussels in the waters of the state and updates sport harvest regulations.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 6, 2006, as ARC 5603B. A public hearing was held on January 4, 2007. There are no changes from the notice.

These amendments are intended to implement Iowa Code sections 456A.24, 481A.38, 481A.39, and 482.1.

These amendments will become effective April 4, 2007.

The following amendments are proposed:

Rescind rules 87.1 and 87.2 and adopt the following new rule in lieu thereof:

571-87.1(481A) Seasons, areas, methods, species, limits. The taking and possession of mussels from the public waters of the state shall be limited to the following regulations.

87.1(1) Seasons. There shall be an open season for taking mussels throughout the year. The taking of mussels is restricted to the hours between sunrise and sunset.

87.1(2) Species. Species other than those listed as threatened or endangered may be lawfully taken and possessed. Zebra mussels shall not be taken and possessed.

87.1(3) Areas. Live mussels may be harvested only from the Mississippi River and connected backwaters. Dead mussels may be harvested from all waters of the state.

87.1(4) Limits. The possession limit is 24 whole mussels or 48 shell halves. The sale of mussels or shells is not permitted. Licensed commercial fishers, licensed sport anglers, and children younger than 16 years of age may take and possess mussels.

87.1(5) Methods. Mussels may be taken by hand, pole and line, diving, and crowfoot bar not to exceed 20 feet in length.

Date

Richard A. Leopold, Director